

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CRAIG P. ELLIS,**

**Plaintiff,**

**v.**

**No. 11-cv-0379 WJ/SMV**

**BERNALILLO COUNTY METROPOLITAN  
DETENTION CENTER et al.,**

**Defendants,**

*and*

**CRAIG P. ELLIS,**

**Plaintiff,**

**v.**

**No. 11-cv-0582 WJ/SMV**

**RAMON RUSTIN et al.,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE’S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition [Doc. 78] (“PF&RD”), issued on August 5, 2013. On reference by the Court, [Doc. 44], the Honorable Stephan M. Vidmar, United States Magistrate Judge, found that Plaintiff failed to produce evidence sufficient to raise a genuine issue of material fact with respect to whether Defendants were deliberately indifferent to Plaintiff’s health. [Doc. 78] at 24–25. He also found that the Privileges and Immunities Clause of the Fourth Amendment was not applicable to Plaintiff’s claims. *Id.* at 26. Thus, Judge Vidmar recommended that the

*Martinez* Report [Doc. 73] be treated as a motion for summary judgment, that the motion be granted, and that all claims against the remaining Defendants, Drs. Shannon, Trapp and McMurray, be dismissed with prejudice. *Id.* No party objected to the PF&RD, and the time for doing so has passed.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 78] are **ADOPTED**.

**IT IS FURTHER ORDERED** that the *Martinez* Report [Doc. 73], which the Court construes as a motion for summary judgment, is **GRANTED**.

**IT IS FURTHER ORDERED** that all claims against the remaining Defendants, Drs. Shannon, Trapp and McMurray, are **DISMISSED with prejudice**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED with prejudice**.

**IT IS SO ORDERED.**

  
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**WILLIAM P. JOHNSON**  
United States District Judge